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Application No.: 10/798,140

Inventor(s): Domenic V. Apprille

Filed: March 11, 2004

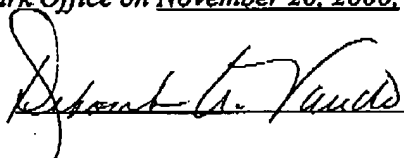
Docket No.: Z-03370 / 8127

Confirmation No.: 5560

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1). Appeal Brief

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventor(s) : Apprille
Filed : 03/11/2004
Art Unit : 3724
Examiner : Michalski
Docket No. : 8127 / Z-03370
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Title : Dispensers for Razor Blade Cartridges

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APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

This Brief is filed pursuant to the appeal from the decision communicated in the Office Action mailed on October 18, 2006.

A timely Notice of Appeal was filed on November 17, 2006.

REAL PARTY IN INTEREST

The real party in interest is The Gillette Company of Boston, MA.

RELATED APPEALS AND INTERFERENCES

There are no known related appeals, interferences, or judicial proceedings.

STATUS OF CLAIMS

Claims 1-30, 32-60, 66 and 67 are pending.

Claims 1-30, 32-60, 66 and 67 are rejected.

Claims 1-30, 32-60, 66 and 67 are appealed.

A complete copy of the appealed claims is set forth in the Claims Appendix attached herein.

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STATUS OF AMENDMENTS

No amendment was filed.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention is directed to a dispenser for razor blade cartridges. Each cartridge includes a blade unit and a cartridge connecting portion for connecting the cartridge to a handle. This is set out on page 5, line 29 – page 6, line 4 of the specification. The dispenser has a housing structure that includes a base and angled cartridge dividers that define sections for receiving respective cartridges and retaining the cartridges in predetermined positions. This is set out on page 6, line 28 – page 7, line 19 of the specification. The cartridge is designed to permit connection of a handle connecting structure on the handle to one of the cartridges as the handle is moved toward the cartridge. This is set out on page 9, lines 6-11 of the specification. Each section has a latch shaped and positioned to interact with a corresponding resilient feature on the blade unit of the cartridge. This is set out on page 7, line 29 – page 8, line 4 of the specification. The latch is sufficiently rigid to resist movement during removal of a cartridge from the dispenser. This is set out on page 1, lines 23 - 25 of the specification.

The present invention is also directed to a combination of the dispenser and a replaceable razor blade cartridge including a blade unit and a cartridge connecting structure for connecting the blade unit to a handle by movement of the handle toward the cartridge connecting structure. The blade unit includes an elongated housing having a resilient latching portion for engagement by the latch on the cartridge dispenser. This is set out on page 1, line 26 – page 2, line 6 of the specification.

The invention is also directed to the resilient latching portion of the housing being an elastomeric protrusion extending outwardly from a side wall of the blade unit. The resilient latching portion deflects upon contact with the respective latches to provide engagement of the resilient latching portions on the blade unit housing by the latches on the cartridge dispenser in an interference fit. This is set out on page 2, lines 7 – 20 of the specification.

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The present invention is also directed to a combination of a cartridge dispenser having a housing structure which includes a base, dividers extending upwardly from the base, that define sections for receiving respective cartridges and retaining the cartridges in predetermined positions. A stabilizing feature is disposed on an upper edge of each cartridge divider, constructed to engage the cartridge connecting portion and restrict movement of the cartridge connecting portion within an upper opening of the corresponding section. This is set out on page 11, line 27 – page 12, line 5 of the specification. A protective feature is disposed on the upper edge of each cartridge divider to prevent contact between the stabilizing feature and a rear edge of the cartridge to prevent damage to the trimming blade when the cartridge is removed from the cartridge dispenser. This is set out on page 12, lines 6-10 of the specification.

GROUND S OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1, 2, 4, 5/2, 6, 7/5/2, 8-11, 18 and 28 stand rejected under 35 USC §102(b) as being anticipated by Petrillo (US 3,797,657).
2. Claims 1-5, 8, 9, 21, 28, 32-35, 38-48, 51 and 52 stand rejected under 35 USC §102(b) as being anticipated by Kohring et al. (US 5,518,114).
3. Claims 6, 7/5/3, 29, 30, 36, 37, 59, and 60 stand rejected under 35 USC §103(a) as being unpatentable over Kohring.
4. Claims 1, 18, 19, 20, 23-28, 48-50, 54 and 56-58 stand rejected under 35 USC §103(a) as being unpatentable over Kohring in view of Petricca (US 6,041,926).
5. Claim 55 stands rejected under 35 USC §103(a) as being unpatentable over Kohring in view of Petricca and further in view of Rozenkranc (US 6,276,061).
6. Claim 66 stands rejected under 35 USC §103(a) as being unpatentable over Kohring.

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7. Claim 67 stands rejected under 35 USC §103(a) as being unpatentable over Kohring in view of Petricca and further in view of Rozenkranc.

ARGUMENTS

1. Claims 1, 2, 4, 5/2, 6, 7/5/2, 8-11, 18 and 28 stand rejected under 35 USC §102(b) as being anticipated by Petrillo (US 3,797,657). This rejection is traversed.

The Office Action asserts that Petrillo discloses a latch that is sufficiently rigid to resist movement during removal of a cartridge from the dispenser. Applicant respectfully disagrees. Petrillo explicitly states that the latches move during cartridge removal. It is this movement of the latch during removal that is contrary to what is claimed. The latch posts or lugs 24, 26 are resilient (col. 3, line 41), allowing them to flex apart when the cartridge is removed (col. 3, lines 28-31). Thus, the latches do not resist movement but instead are designed to move during removal of a cartridge from the dispenser.

Thus, Petrillo fails to anticipate independent claims 1 and 28. As Petrillo fails to anticipate independent claim 1, Petrillo also fails to anticipate claims 2, 4, 5/2, 6, 7/5/2, 8-11, 18 which depend from independent claim 1.

2. Claims 1-5, 8, 9, 21, 28, 32-35, 38-48, 51 and 52 stand rejected under 35 USC §102(b) as being anticipated by Kohring et al. (US 5,518,114). This rejection is traversed.

In Kohring, the latches (flanges 32, 33 with detents 35, 36) must deflect in order to allow the cartridge to be removed from the cartridge retaining means. This is clear from Fig. 11 of Kohring. Kohring is silent regarding the construction of cartridge C, and thus there is no basis whatsoever for the Examiner's assertion that "the entire housing [of the blade unit] is a resilient latching portion" (Office action, page 6, lines 17-18). Instead,

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the artisan would have understood that the very thin walls of flanges 32, 33 would allow the flanges to deflect in response to a force applied by the cartridge during removal. Moreover, Kohring himself states that the receptacle (dispenser) is manufactured of a material "providing a rigidity suitable for mounting into a razor handle support...while maintaining the flexibility necessary to retain and dispense a razor blade cartridge C." (Kohring, col. 6, lines 61-65, emphasis ours.) The artisan would have understood this statement to mean that the material was relatively rigid in thick section (e.g., the outer walls of the dispenser) but flexible in thin section (i.e., the flanges and detents) to allow deflection of the latches during dispensing/removal of cartridge C from the dispenser.

Thus, Kohring fails to anticipate independent claims 1 and 28. As Kohring fails to anticipate independent claim 1, Kohring also fails to anticipate claims 2-5, 8, 9, 21, 32-35, 38-48, 51 and 52 which depend from either independent claim 1 or independent claim 28.

3. Claims 6, 7/5/3, 29, 30, 36, 37, 59, and 60 stand rejected under 35 USC §103(a) as being unpatentable over Kohring. This rejection is traversed.

Kohring does not establish a *prima facie* case of obviousness because it does not teach or suggest all of the claim limitations of independent claims 1 and 28, from which claims 6, 7/5/3, 29, 30, 36, 37, 59, and 60 depend. As such, claims 6, 7/5/3, 29, 30, 36, 37, 59, and 60 are patentable over Kohring.

4. Claims 1, 18, 19, 20, 23-28, 48-50, 54 and 56-58 stand rejected under 35 USC §103(a) as being unpatentable over Kohring in view of Petricca (US 6,041,926). This rejection is traversed.

The combination of Kohring and Petricca does not establish a *prima facie* case of obviousness because the combination does not teach or suggest all of the claim limitations of independent claims 1 and 28. Petricca does not provide the missing elements of Kohring mentioned above. As such, independent claims 1 and 28 are patentable over the combination of Kohring and Petricca. Similarly, claims 18, 19, 20,

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23-27, 48-50, 54 and 56-58 are patentable over the combination of Kohring and Petricca as they depend from independent claims 1 and 28.

5. Claim 55 stands rejected under 35 USC §103(a) as being unpatentable over Kohring in view of Petricca and further in view of Rozenkranc (US 6,276,061). This rejection is traversed.

The combination of Kohring, Petricca and Rozenkranc does not establish a *prima facie* case of obviousness because the combination does not teach or suggest all of the claim limitations of independent claim 28 from which claim 55 depends. Rozenkranc does not provide the missing elements of Kohring and Petricca mentioned above. As such, claim 55 is patentable over the combination of Kohring, Petricca and Rozenkranc.

6. Claim 66 stands rejected under 35 USC §103(a) as being unpatentable over Kohring. This rejection is traversed.

Kohring does not establish a *prima facie* case of obviousness because, as mentioned above, Kohring does not teach or suggest all of the claim limitations of independent claim 66. Kohring fails to teach a latch that is sufficiently rigid to resist movement during removal of a cartridge from the dispenser. As such, claim 66 is patentable over Kohring.

7. Claim 67 stands rejected under 35 USC §103(a) as being unpatentable over Kohring in view of Petricca and further in view of Rozenkranc. This rejection is traversed.

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The combination of Kohring, Petricca and Rozenkranc does not establish a *prima facie* case of obviousness because the combination does not teach or suggest all of the claim limitations of independent claim 67. Applicants respectfully submit that this claim is patentable over the combination of Kohring, Petricca and Rozenkranc, as neither a protective feature on the upper divider edge, nor its interaction with a trimming blade is disclosed in the cited references.

SUMMARY

In view of all of the above, it is respectfully submitted that the claims be allowed on appeal.

Respectfully submitted,
THE GILLETTE COMPANY



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CLAIMS APPENDIX

1. A dispenser for razor blade cartridges, each cartridge including a blade unit and a cartridge connecting portion for connecting the cartridge to a handle, the dispenser comprising

a housing structure including a base and angled cartridge dividers that define sections for receiving respective cartridges and retaining the cartridges in predetermined positions that permit connection of a handle connecting structure on the handle to one of the cartridges as the handle is moved toward the cartridge;

each section comprising a latch shaped and positioned to interact with a corresponding resilient feature on the blade unit of the cartridge, the latch being sufficiently rigid to resist movement during removal of a cartridge from the dispenser.
2. The dispenser of claim 1 wherein each section comprises a pair of latches.
3. The dispenser of claim 2 wherein the latches are positioned on inner surfaces of opposed side walls of the housing.
4. The dispenser of claim 1 wherein the latch comprises a latch protrusion shaped to interact with a corresponding protrusion on the blade unit.
5. The dispenser of claim 2 or 3 wherein each latch comprises a latch protrusion shaped to interact with a corresponding protrusion on the blade unit.
6. The dispenser of claim 4 wherein the latch protrusion is positioned to retain the blade unit within the section by an interference fit with the blade unit protrusion.

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7. The dispenser of claim 5 wherein each latch protrusion is positioned to retain the blade unit within the section by an interference fit with the corresponding blade unit protrusion.
8. The dispenser of claim 4 wherein the latch protrusion comprises an elongated ridge.
9. The dispenser of claim 4 or 8 wherein the latch protrusion includes a notch.
10. The dispenser of claims 4 or 8 wherein the latch protrusion includes a first surface positioned to inhibit vertical movement of the protrusion on the blade unit and a second surface positioned to inhibit horizontal movement of the protrusion on the blade unit.
11. The dispenser of claim 8 wherein the ridge includes an elongated angled surface configured to facilitate insertion of a blade unit into the respective section.
12. The dispenser of claim 8 wherein the ridge extends vertically along, and is attached to, an inner side wall of the dispenser.
13. The dispenser of claim 5 wherein each latch protrusion comprises an elongated ridge.
14. The dispenser of claim 5 or 13 wherein each latch protrusion includes a notch.

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15. The dispenser of claims 5 or 13 wherein each latch protrusion includes a first surface positioned to inhibit vertical movement of the respective protrusion on the blade unit and a second surface positioned to inhibit horizontal movement of the respective protrusion on the blade unit.

16. The dispenser of claim 13 wherein each ridge includes an elongated angled surface configured to facilitate insertion of a blade unit into the respective section.

17. The dispenser of claim 13 wherein the ridges extend vertically along, and are attached to, opposed inner side walls of the dispenser.

18. The dispenser of claim 1 wherein the cartridge dividers include blade unit dividers that extend from the base, are generally perpendicular to the base, and define blade unit regions in which the blade units are received.

19. The dispenser of claim 18 wherein the cartridge dividers further include angled dividers that extend from the ends of respective blade unit dividers at acute angles with the base and define angled regions through which the blade units pass in delivery to and removal from the blade unit regions and in which the cartridge connecting structure is received.

20. The dispenser of claim 19 wherein an angled region of one section partially overlies a blade unit region of an adjacent section.

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21. The dispenser of claim 1 wherein the dispenser has drainage holes associated with respective sections.

22. The dispenser of claim 1 further comprising raised members on which end structures of the cartridge are supported so as to avoid contact of the blades with the dispenser.

23. The dispenser of claim 1 further comprising a stabilizing feature, disposed on an upper edge of at least some of said cartridge dividers, constructed to engage the cartridge connecting portion and restrict movement of the cartridge connecting portion within an upper opening of the corresponding section.

24. The dispenser of claim 23 further comprising a feature, disposed on said upper edge, constructed to prevent contact between the stabilizing feature and a rear edge of the cartridge.

25. The dispenser of claim 23 wherein said upper edge is radiused to prevent contact between the stabilizing feature and a rear edge of the cartridge.

26. The dispenser of claim 22 wherein each of the raised members has a concave upper edge.

27. The dispenser of claim 26 wherein an upper portion of the concave upper edge of each raised member is adjacent a lower portion of a convex surface of a corresponding one of the cartridge dividers.

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28. A combination comprising

a cartridge dispenser comprising a housing structure including a base and dividers that define sections for receiving respective cartridges and retaining the cartridges in predetermined positions, each section comprising a latch that releasably holds a respective cartridge in a latched position within the section; and

a replaceable razor blade cartridge comprising a blade unit and a cartridge connecting structure for connecting the blade unit to a handle by movement of the handle toward the cartridge connecting structure, the blade unit including an elongated housing having a resilient latching portion for engagement by the latch on the cartridge dispenser;

wherein each latch is sufficiently rigid to resist movement during removal of a cartridge from the dispenser.

29. The combination of claim 28 wherein the resilient latching portion comprises an elastomer.

30. The combination of claim 29 wherein the resilient latching portion further comprises a raised portion of the housing structure underlying the elastomer.

32. The combination of claim 28 wherein each section comprises a pair of latches.

33. The combination of claim 32 wherein the latches are positioned on inner surfaces of opposed side walls of the housing.

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34. The combination of claim 28 wherein the latch comprises a latch protrusion shaped to interact with the resilient latching portion, which comprises a corresponding protrusion on the blade unit.

35. The combination of claim 32 or 33 wherein each latch comprises a latch protrusion shaped to interact with the resilient latching portion, which comprises a corresponding protrusion on the blade unit.

36. The combination of claim 34 wherein the latch protrusion is positioned to retain the blade unit within the section by an interference fit with the blade unit protrusion.

37. The combination of claim 35 wherein each latch protrusion is positioned to retain the blade unit within the section by an interference fit with the corresponding blade unit protrusion.

38. The combination of claim 34 wherein the latch protrusion comprises an elongated ridge.

39. The combination of claim 34 or 38 wherein the latch protrusion includes a notch.

40. The combination of claims 34 or 38 wherein the latch protrusion includes a first surface positioned to inhibit vertical movement of the protrusion on the blade unit and a second surface positioned to inhibit horizontal movement of the protrusion on the blade unit.

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41. The combination of claim 38 wherein the ridge includes an elongated angled surface configured to facilitate insertion of a blade unit into the respective section.
42. The combination of claim 38 wherein the ridge extends vertically along, and is attached to, an inner side wall of the dispenser.
43. The combination of claim 35 wherein each latch protrusion comprises an elongated ridge.
44. The combination of claim 35 or 43 wherein each latch protrusion includes a notch.
45. The combination of claims 35 or 43 wherein each latch protrusion includes a first surface positioned to inhibit vertical movement of the respective protrusion on the blade unit and a second surface positioned to inhibit horizontal movement of the respective protrusion on the blade unit.
46. The combination of claim 43 wherein each ridge includes an elongated angled surface configured to facilitate insertion of a blade unit into the respective section.
47. The combination of claim 43 wherein the ridges extend vertically along, and are attached to, opposed inner side walls of the dispenser.
48. The combination of claim 28 wherein the cartridge dividers include blade unit dividers that extend from the base, are generally perpendicular to the base, and define blade unit regions in which the blade units are received.

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49. The combination of claim 48 wherein the cartridge dividers further include angled dividers that extend from the ends of respective blade unit dividers at acute angles with the base and define angled regions through which the blade units pass in delivery to and removal from the blade unit regions and in which the cartridge connecting structure is received.

50. The combination of claim 49 wherein an angled region of one section partially overlies a blade unit region of an adjacent section.

51. The combination of claim 28 wherein the dispenser has drainage holes associated with respective sections.

52. The combination of claim 28 further comprising raised members on which end structures of the cartridge are supported so as to avoid contact of the blades with the dispenser.

53. The combination of claim 28 further comprising a stabilizing feature, disposed on an upper edge of at least some of said cartridge dividers, constructed to engage the cartridge connecting portion and restrict movement of the cartridge connecting portion within an upper opening of the corresponding section.

54. The combination of claim 53 further comprising a feature, disposed on said upper edge, constructed to prevent contact between the stabilizing feature and a rear edge of the cartridge.

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55. The combination of claim 54 wherein cartridge includes a trimming blade mounted along the rear edge of the cartridge.

56. The combination of claim 53 wherein said upper edge is radiused to prevent contact between the stabilizing feature and a rear edge of the cartridge.

57. The combination of claim 52 wherein each of the raised members has a concave upper edge.

58. The combination of claim 57 wherein an upper portion of the concave upper edge of each raised member is adjacent a lower portion of a convex surface of a corresponding one of the cartridge dividers.

59. The combination of claim 28 wherein the width WB of the blade unit is from about 1 to 2% greater than the width WD of the dispenser.

60. The combination of claim 28 wherein the width WB of the blade unit is preferably from about 0.2 to 0.8 mm greater than the width WD of the dispenser.

66. A combination comprising

a cartridge dispenser comprising a housing structure including a base and dividers that define sections for receiving respective cartridges and retaining the cartridges in predetermined positions, each section comprising a pair of latches, positioned on opposed inner side walls of the housing structure, that releasably hold a respective cartridge in a latched position within the section, each latch being sufficiently rigid to resist movement during removal of a cartridge from the dispenser; and

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a replaceable razor blade cartridge comprising a blade unit and a cartridge connecting structure for connecting the blade unit to a handle by movement of the handle toward the cartridge connecting structure, the blade unit including an elongated housing having resilient latching portions, each latching portion comprising an elastomeric protrusion extending outwardly from a side wall of the blade unit, the resilient latching portions deflecting upon contact with the respective latches, providing engagement of the resilient latching portions on the blade unit housing by the latches on the cartridge dispenser in an interference fit.

67. A combination comprising

a cartridge dispenser comprising a housing structure including:

a base;

dividers, extending upwardly from the base, that define sections for receiving respective cartridges and retaining the cartridges in predetermined positions;

a stabilizing feature, disposed on an upper edge of each cartridge divider, constructed to engage the cartridge connecting portion and restrict movement of the cartridge connecting portion within an upper opening of the corresponding section;

a protective feature, disposed on the upper edge of each cartridge divider, constructed to prevent contact between the stabilizing feature and a rear edge of the cartridge; and

a plurality of latches, each section comprising a latch that releasably holds a respective cartridge in a latched position within the section; and

a replaceable razor blade cartridge comprising a blade unit and a cartridge connecting structure for connecting the blade unit to a handle by movement of the handle toward the cartridge connecting structure, the blade unit including an elongated housing having a resilient latching portion for engagement by the latch on the cartridge dispenser, and a trimming blade mounted along the rear edge of the cartridge;

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wherein the protective feature on the upper edge of each cartridge divider is positioned and configured to prevent damage to the trimming blade when the cartridge is removed from the cartridge dispenser.

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EVIDENCE APPENDIX

None

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RELATED PROCEEDINGS APPENDIX

None